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5 **HERSHORIN & HENRY LLP**

6 27422 Portola Parkway, Suite 360
7 Foothill Ranch, California 92610
8 Phone (949) 859-5600 / Fax (949) 859-5680

9 Attorneys for Plaintiff, FEDERAL DEPOSIT
10 INSURANCE CORPORATION, as Receiver
11 for Downey Savings & Loan Association, F.A.

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

14 FEDERAL DEPOSIT INSURANCE
15 CORPORATION, as Receiver for
16 Downey Savings and Loan Association,
17 F.A.,

18 Plaintiff,

19 vs.

20 AMERICAN PRIME FUNDING, INC.,
21 a dissolved Nevada corporation, et al.,

22 Defendants.

CASE NO.: 11-CV-00996-SC

23 **STIPULATION FOR DISMISSAL
24 WITH PREJUDICE OF DEFENDANT
25 STEPHANE DESSUS, AN
26 INDIVIDUAL**

27 **[Proposed Order Submitted
28 Concurrently]**

Action Filed: October 7, 2010

29 **TO THE COURT AND ALL APPEARING PARTIES AND THEIR RESPECTIVE
30 ATTORNEYS OF RECORD:**

31 WHEREAS STEPHANE DESSUS, an individual (“Dessus”) was named and
32 appears as a Defendant in the above-captioned action;

1 WHEREAS Plaintiff, FEDERAL DEPOSIT INSURANCE CORPORATION as
2 Receiver for Downey Savings and Loan Association ("FDIC-R"), has reached a
3 settlement with Dessus the terms of which Dessus has fully performed;

4 WHEREAS the FDIC-R is now obligated to dismiss Dessus *with* prejudice
5 from the action; and

6 WHEREAS counsel for the FDIC-R and Dessus are duly authorized to enter
7 into this Stipulation.

8 NOW, THEREFORE, it is hereby stipulated and agreed between the FDIC-R
9 and Dessus that Dessus should be dismissed from the action *with* prejudice and the
10 parties hereto request that the Court issue its Order dismissing Dessus as is proposed
11 and submitted concurrent with this stipulation.

12
13 DATED: June 7, 2012

HERSHORIN & HENRY LLP

14
15 By 

16 JEAN C. WILCOX
17 Attorneys for Plaintiff,
18 FEDERAL DEPOSIT INSURANCE
19 CORPORATION, as Receiver for
20 Downey Savings & Loan Association,

21
22 DATED: 6/18/2012

LUSCUTOFF, LENDORMY &
ASSOCIATES

23
24 By 

25 SID LUSCUTOFF
26 Attorneys for Defendant,
27 STEPHANE DESSUS
28

PROOF OF SERVICE**STATE OF CALIFORNIA****COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 27422 Portola Parkway, Suite 360, Foothill Ranch, CA 92610.

On June 26, 2012, I served the following document(s) described as:

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF DEFENDANT
STEPHANE DESSUS, AN INDIVIDUAL**

on all interested parties in this action by placing a true copy(ies) thereof enclosed in sealed envelope(s) addressed as follows:

Sid Luscutoff, Esq. LUSCUTOFF, LENDORMY & ASSOCIATES 400 Montgomery Street, 6 th Floor San Francisco, CA 94104	Attorney for Defendant Stephan Dessus
---	---------------------------------------

[X] **(BY MAIL)** I caused each such envelope(s), with postage thereon fully prepaid, to be placed in the United States mail at Foothill Ranch, California. I am readily familiar with the practice of this law firm for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[X] **(FEDERAL)** I hereby certify that I am employed in the office of a member of the Bar of this Court at whose discretion the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on June 26, 2012, at Foothill Ranch, California.


 MARLA FORTNER

1 JEAN C. WILCOX, ESQ. (SBN 097963)
2 Email: jeanw@hhlawgroup.com
3 CLAUDIA MOURAD, ESQ. (SBN 211139)
4 Email: claudiam@hhlawgroup.com

HERSHORIN & HENRY LLP

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Attorneys for Plaintiff, FEDERAL DEPOSIT
INSURANCE CORPORATION, as Receiver
for Downey Savings & Loan Association, F.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
Downey Savings and Loan Association,
F.A.,

Plaintiff,

vs.

AMERICAN PRIME FUNDING, INC.,
a dissolved Nevada corporation, et al.,

Defendants.

CASE NO.: 11-CV-00996-SC

~~[PROPOSED]~~
ORDER DISMISSING WITH
PREJUDICE DEFENDANT
STEPHANE DESSUS, AN
INDIVIDUAL

[Stipulation for Dismissal Submitted
Concurrently]

Action Filed: October 7, 2010

The Court, having considered the Stipulation for Dismissal With Prejudice of
Defendant STEPHANE DESSUS, an individual; and

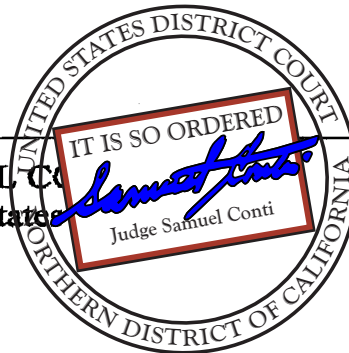
Being thereby advised that STEPHANE DESSUS, an individual, has fully

1 performed the obligations he agreed to in settlement of all claims against him alleged
2 in this action;

3 NOW, THEREFORE, it is hereby ordered that STEPHANE DESSUS, an
4 individual, be hereby dismissed with prejudice from this action.

5
6 DATED: 6/26/12

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8
9 SAMUEL CO
10 United States



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15
16
17
18 Approved as to Form:

19 LUSCUTOFF, LENDORMY &
20 ASSOCIATES

21
22 By: _____

23 SID LUSCUTOFF
24 Attorney for Defendant,
25 Stephane Dessus, an individual
26
27
28

6/18/2012

PROOF OF SERVICE**STATE OF CALIFORNIA****COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 27422 Portola Parkway, Suite 360, Foothill Ranch, CA 92610.

On June 26, 2012, I served the following document(s) described as:

**[PROPOSED] ORDER DISMISSING WITH PREJUDICE DEFENDANT
STEPHANE DESSUS, AN INDIVIDUAL**

on all interested parties in this action by placing a true copy(ies) thereof enclosed in sealed envelope(s) addressed as follows:

Sid Luscutoff, Esq.
LUSCUTOFF, LENDORMY &
ASSOCIATES
400 Montgomery Street, 6th Floor
San Francisco, CA 94104

Attorney for Defendant Stephan Dessus

- [X] **(BY MAIL)** I caused each such envelope(s), with postage thereon fully prepaid, to be placed in the United States mail at Foothill Ranch, California. I am readily familiar with the practice of this law firm for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.
- [X] **(FEDERAL)** I hereby certify that I am employed in the office of a member of the Bar of this Court at whose discretion the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on June 26, 2012, at Foothill Ranch, California.


MARLA FORTNER